## HAMILTON BANK TO REOPEN

AND 3.000 DEPOSITORS MARCH TO SERENADE PRESIDENT.

Justice Retts Dissolves Receivership and Orders the Assets Turned fiver to the Bank, Which He Thinks Is in Proper Condition to Care for the Property

Justice Betts of the Supreme Court in Kingston, N. Y., yesterday handed down his decision in the case of the Hamilton Bank, dismissing the temporary receiver. Frank White, and giving permission for the bank to resume business.

The Hamilton Bank has about eighteen thousand depositors in The Bronx and Harlem, and the news travelled fast. The committee which has represented the depositors got together late in the afternoon and a parade was organized to serenade President William R. Montgomery at his home in The Bronx last night.

President Montgomery, whose overdraft is under investigation by the Grand Jury, hea been the main worker for the bank's resumption since its failure. The Tremont branch, near which Mr. Montgomery lives, was decorated with greens and a sign was placed over the front door wishing all depositors a Happy New Year

At 9 o'clock about 3,000 of the depositors met at the Tremont branch at Third avenue and 177th street. Three bands, red fire in abundance and every conceivable noisemaker went with the crowd. Under the secort of a policeman the march to Presient Montgomery's house was begun.

The crowd surrounded the house and the hands played "Hall to the Chief!" and both men and women shouted and cheered. The scene was pathetic in some cases, as many women and even some men were seen crying. At the suggestion of some one in the crowd a telegram was sent to Justice Betts wishing him a happy New Year and thanking him for his decision. telling him that many of the depositors were small tradesmen whose all was in the bank and that had he refused to allow the bank to reopen it would have meant ruin to many of them.

Mr. Montgomery came out on his door step and, although he was almost crying himself, made a short speech. He said that the bank would reopen by January 2 if things could be made ready by that time and Receiver Frank White could get his affairs in shape.

"This is hardly the time for me to speak of my own affairs in connection with the bank, and the case which is now before the Grand Jury," he said. "My vindication will come later, and it will be shown that the overdraft, so thoroughly advertised, was in reality not a criminal matter, but merely an inadvertence which might happen to any man. The account in the bank was in my wife's name and was subject to her check, and she will explain that part of the alleged overdraft at the proper time.

The matter of the \$34,000 I want to say one word on now, as it was incurred in trying to help the bank. That money was part of a \$50,000 transaction in which a man wanted to buy stock of the bank. I deposited my nk and he was to send a certidraw down my own security as soon as he har received the stock. That man was out when the messenger called with the stock, but the messenger left the stock and took no check. Now I want you all to understand that when I heard of the overdraft I immediately made it good, as the receiver knows and as the Grand Jury knows, but it still stood as a technical overdraft.

"Such zeal as I have displayed in trying to get the bank opened again has brough upon me scurrilous attacks from the enemie of the bank who were interested in keeping it closed and to whom its continued closing meant money. I thank you all for this remarkable demonstration and wish that you all may feel as happy for the new year as the reopening of the bank will make

Justice Betts in a long memorandum reviews all the proceedings in the case and cites the plan of the committee acting in behalf of the nepositors to accept 10 per cent. in cash on the opening of the bank, and certificates of deposit to the credit of each depositor of 15 per cent. payable ninet have from November 20, 1907; 15 rayable six months from same date, and "0 per cent. payable one year

from November 20, 1907. The report of the Banking Department as to the condition of the bank on October 24 is cited. and after quoting the case of Ferry vs. the Bank of Central New York Justice Betts closed his decision as follows:

The question now is whether the Court should authorize the opening of this bank. There are, aside from the stockholders. practically 18,000 people directly interested as depositors, mostly residents of the imnediate vicinity of this bank or some of its every one entitled thereto on demand and still have remaining over a quarter of a millien of dollars. Every one of these depositors is interested in having this institution open as a going institution and stay open. It seems altogether unlikely that anything like the amount of money that could be withdrawn would be at the opening of the bank or at any other time when these several de-

This is not a proposition looking to a caling down of deposits as was the case of he Ulster County Savings Institution, nor of an insolvent bank. It is a proposition of parties so an action owning property asking to have it restored to them, to the end that justice may be done to all parties, payments made as agreed and the bank continued as a solvent, going institution. It means much to the depositors and stockholders and the many residents of the vicinity not directly interested here. It appeals strongly to a court of equity and to the conscience of the Court. It has not been shown that any person would or could be harmed by the relief asked for, and good would certainly be done. The Court thinks that from the entiment in that vicinity it would not be possible for the bank to fail to succeed it permitted to open, nor does the Court think it ought to hesitate or delay because a full

trial has not been had in this action The statute is not susceptible of the con struction that a temporary receivership must always be followed by a permanent one. The defendant comes in and shows as cause why hat it is not necessary to have a receiver at all and asks for its property to be returned, being how in a condition to properly handle and care for it. And the proposed procedure has precedent and strong common sense to support it. The Superintendent of Banks is not opposing this application. The Attorney-General is satisfied that the bank should be

squarely within the ruling and practically vithin the procedure laid down in Ferry vs. The Bank of Central New York, The Court is going to restore the bank's property and order its reopening. An order may be en-

First-Vacating the injunction heretofore granted and permitting the defendant to coninue the business of banking. Second-Directing the temporary receiver to

turn over to defendant all-its property in his possession except an amount of cash which shall be reasonably sufficient to pay him his sbursements and his counsel fees. Third-Appointing the Hon, Clarence E. odgood of Catakill, N. Y., a referee for the ourpose of passing the temporary receiver's counts and fixing the proper fees and dis ursements of said temporary receiver and counsel, with power to sit in New York county if desired and to report to this court with all convenient speed.

Fourth-Providing that upon said temporary

receiver's fees and disbursements and that of his counsel and the costs of the reference eing fully paid and all the remaining prop erty, if any, being turned over to defendant that said temporary receiver receive his discharge and his bond cancelled. If form not agreed upon the same may se settled before me at my chambers in Kingston, N. Y., on Thursday, January 2, at 10 A. M. If the matter of compensation of nporary receiver and his attorney can determined before me on that day by ment or otherwise order of reference need not be entered.

Besides the plan as outlined in Justice Betts's opinion the Hamilton Bank has a promise of a loan of \$1,000,000 from four 'learing House institutions

OVERDRAFTS BY E. R. THOMAS Reported to the District Attorney-F. D lves Questioned.

The District Attorney's office learned esterday that E. R. Thomas made overirafts on the Hamilton Bank, which went into the hands of the receiver on October 23, while he was president of the institution. The evidence will be presented to the Grand July in January

Frederick D. Ives, who was a vice-presient of the Hamilton Bank, was questioned esterday by Assistant District Attorneys resel and Appleton. Mr. Ives said that a August Mr. Thomas overdrew his acount \$2,000. This was made good and not ong after that there was another overdraft by Mr. Thomas for \$125.

Mr. Ives said that he did not believe that Mr. Thomas knew that his account had been verdrawn. It is a violation of the State banking laws, a misdemeanor, for an official of a bank to have overdrafts.

#### \$100,000 BALL FOR DEBUTANTE. Tranical Butterflies and a New Rose Make Miss Paul's Introduction Notable.

PHILADELPHIA, Dec. 26. - Miss Mary Astor Paul, daughter of James A. Paul, Jr., of the Drexel firm, made her debut to-night in Horticultural Hall at a ball that for cost and novelty eclipsed the famous "ball of the four seasons" with which four years ago Mr. Paul introduced his older daughter.

The flowers alone cost \$25,000 and for the occasion a new rose, a cross between the American Beauty and the Sofrano, that took nine years to develop, was displayed for the first time.

At 11 o'clock 500 large, brilliant butterflies, gathered from Brazil, Peru and India. were set free over the guests. The butterflies flitted everywhere amid cries of delight from the guests. Silken and painted butterflies were among the decorations also. The living insects hovered over the women. into the lights, fell into the plate and did other stunts, but they were very effective

All the Drexels were there, as was every body else of prominence in Philadelphia society. Col. Anthony J. Drexel and his wife and his daughter, Miss Margaretta, came over from London for the ball. Mr and Ars. Reginald Vanderbilt had been invited, but did not attend.

The ballroom was turned into a replica of a French garden. Sixteen boxes, fashoned of plaster of paris and decorated, lined the room. They were built especially for the occasion. A great fountain was also built in one end of the room.

Conservative estimates put the cost of the affair at \$100,000.

# MABEL TALIAFERRO HURT.

cut by Glass in Collision-Play Calls for Bandages, Anyway.

Mabel Taliaferro, who is Mrs. Frederic Thompson, was badly cut with flying glass last night when her brougham was run into by a Broadway car while she and her busband were on the way to the Liberty Theatre, where she is playing in "Polly of the Circus.

Mr. Thompson presented his wife with new brougham on Christmas Day, and last night the coachman brought it out for the first time. Mr. and Mrs. Thompson left their apartment, at 59 West Forty-fourth street, at 7:30. A northbound car was approaching at good speed as they went to turn into Broadway and Policeman McCormack motioned the coachman to turn north. The man misunderstood and turned south and into the car.

Mr. Thompson saw the collision coming and dragged his wife to one side, but not in time to save her from the shower of glass that came with the bump. She was out into a hansom and driven to the theatre. Dr. Herbert L. Constable found that glass had penetrated to the bone near the elbow and also that her knee was cut severely.

In the excitement no word had been given to the company not to go on with the performance. Fred Thompson was worried, but while he was pleading with his wife not to go on the curtain went up. All Miss Taliaferro has to do in the first act is to be carried in as a wounded circus girl in the arms of her leading man, Malcom Williams, and then up a flight of stairs. Miss Taliaferro was still under the doctor's care, and a substitute was carried on. The audience did not know of it

In the second act Miss Taliaferro appears as the injured circus girl in the home of a minister. She is propped up in bed, and the bandages on her arm the audience took for part of her makeup.

#### MINE PROMOTERS GO TO JAIL. Fines and Imprisonment for Men Who Used Malls to Sell Stock.

DENVER, Dec. 26.-Promoters, mine pronoters and other persons convicted of using the mails with intent to defraud in connection with the sale of stock in the Lost Span-

tion with the sale of stock in the Lost Spanish Bullion Mines Company were sentenced by Judge R. E. Lewie in the United States District Court here as follows:

George S. Dubers, Lee Dubers and C. L. Blackwell, thirty days in jail and \$1,000 fine each; William H. Wilson, W. B. Cameron, A. E. Keabler and Arthur Lawrence, fifteen days imprisonment and \$500 fine each; Arthur Levan and E. W. Sebben, \$100 fine and costs, amounting to \$200; R. C. Hunt and Danton Pinkus, \$50 fine and \$150 costs.

## opened. The Court thinks it is. It comes | SOLDIER SUES UNITED STATES

NEGRO DISCHARGED AFTER RAID AT BROWNSVILLE SEEKS PAY.

Averring That His Summary Discharge by the President Without Trial Violates Ris Constitutional Rights-Some Wealthy New Englanders Are Back of the Suit.

A suit to test the right of the President to discharge the negro soldiers of the Twentyfifth Infantry because of the Brownsville raid was begun yesterday in the United States District Court in this city. The expectation is that through this suit the President's action will be put squarely up to the United States Supreme Court. It is said to be the first action of its kind ever brought.

The suit is brought in the District Court under the Tucker act. In the memory of those around the Federal courts here this has been invoked only in two instances in this district, although the law was passed in 1887. The act allows the United States to be made a defendant either in the United States District or Circuit Court, in the former when the amount involved is \$1,000 or less and in the latter when it is more than \$1,000 and not more than \$10,000. Under the act these courts have concurrent jurisdiction with the Court of Claims in Washington, but for some reason practically all claims against the Government, even since the passage of the act, have been brought in the Court of Claims.

Oscar W. Reid, who was a private in Company C and is a resident of this city is the plaintiff in the action, which is brough to recover from the defendant, the United States, the sum of \$122,28, which Reid contends is due him as pay since his dismissal.

He contends that the dismissal was illegal. The lawyers bringing the suit for Reid are Ward, Mellen & Woodbridge of 32 Nassau street. In a statement given out yesterday regarding the suit it is announced that the firm has been retained "by certain gentlemen in New England who believe the equal rights of all before the law and that every man is entitled to his day in court."

"These gentlemen," the statement goes on to explain, "believe that the discharge of these men from the service of the United States, in the absence of any decision by any court-martial or civil court that any one of their number participated in the disturbance, is wholly unjustifiable and violated the rights secured to these men by both the Constitution and the laws of the

United States.
"The gentlemen who have authorized this suit to be brought believe that the question involved is of the very greatest importance not only to those members of three companies of the Twenty-fifth Infantry who were dismissed from the United States service by this order but to very enlisted man in the United States Army. Congress, under its constitutional power to make rules for the Government and regulation of the land and naval forces, has enacted the articles of war. Under these articles the right of every enlisted man to a hearing upon any charge which may be preferred against him is fully established, and no power is given to discharge

ment of a court-martial. "They do not believe that these laws can be overridden by the Executive and an entire battalion of soldiers summarily dismissed from the service of the United States without a hearing upon the assumption that certain members have been guilty of murders, assault and the wanton destruction of private property. If any members were guilty of such conduct their guilt should be determined and punishment adminisered by the courts, but it is the guilty who

should suffer and not the innocent. Inquiry as to the names of the New England men who had retained the lawyers was refused at the offices of the firm yesterday. A representative of the firm said that they had requested that their names be withheld.

"They are men of wealth and standing, but are doing this as private individuals and not as the representatives of any constitutional society," said this representative. "The matter came up in the course of a casual conversation and it was then decided to being suit."

In the petition which was filed in court vesterday it is set forth that Reid enlisted as a private on July 18, 1904, for three years. that he rendered honest and faithful service, and that on August 28, 1906, following the Brownsville raid, charges were preferred against him by a battaiion adjutant that on the night of the raid he had taken his rifle and "singly or in company with other parties unknown" had taken part in the Brownsville disturbance.

The petition recites that he was never tried before any court-martial or other tribunal on these charges, but was kept in confinement at various forts until November 9, when "a certain pretended order was issued by the War Department of the United States under the direction of the President of the United States, but wholly without warrant of law."

The petition, in addition to reciting the familiar order discharging all those in the battalion, gives the "discharge without honor." which Reid received addressed "to all whom it may concern," giving a minute description of him. Reid avers that he was wholly guiltless and was in his quarters at the time of the raid, and that before the shooting had ceased he was present and answered to his name at the roll call and had no knowledge of the affair.

"Your petitioner is advised by counse says the complainant, " that the President of the United States was wholly without power to order or cause the discharge of your petitioner under the said pretended order of November 9, 1906, and the said action of the President in ordering your petitioner's discharge, said pretended order and your ner's diamissal thereunder, was wholly null and void in law and in violation of the rights secured to your petitioner by the Constitution and laws of the United States."

The sections of the Constitution alleged to have been violated are Article I., section s, in which the power is given to Congress to make rules for the land and naval forces; Article II., section 3, in which it says "he (the President) shall take care that the laws be faithfully executed"; Article VI., paragraph 2, providing that the Constitution shall be the supreme law of the land, and finally the Fifth Amendment, which declares that "no person shall be deprived of liberty or property without due process of

# FLEET COMMANDERS DINED. ALBANI SINGS UNDER ARREST

Trinidad's Governor Entertains America Officers-Men on Good Behavior.

Special Cable Despatch to THE SUN.
PORT OF SPAIN, Trinidad, Dec. 26.—Rear Admiral Evans, commanding the American battleship fleet; Rear Admirals Emory, Thomas and Sperry, commanding the differ ent divisions, Captains Charles E. Vreeland of the Kansas, Charles W. Bartlett of the Ohio, Greenlief A. Merriam of the Missouri, John M. Bowyer of the Illinois, and Lieut. W. R. Gherardi, commanding the tender Yankton, were entertained at dinner this evening at Government House by Gov. Sir Henry Moore Jackson. The function was marked by great cordiality.

To-morrow night the Governor will entertain similarly Captains Hugo Osterhaus of the fleet flagship Connecticut, William P. Potter of the Vermont, Richard Wainwright of the Louisiana, Henry McCrea of the Georgia, William H. H. Southerland of the New Jersey, Joseph B. Murdock of the Rhode Island, Seaton Schroeder of the Virginia, John Hubbard of the Minnesota, Giles B. Harber of the Maine, Ten Eyck De W. Veeder of the Alabama, Hamilton Hutchins of the Kearsarge and Walter C. Cowles of the Kentucky, Commanders W. S. Hogg of the supply ship Glacier and V. S. Ne'son of repair ship Panther, and Lieut.-Comthe mander J. B. Patton of the supply ship Culgoa.

The Kansas, Ohio, Missouri and Illinois put out to sea to-day from the Gulf of Paria, where the fleet is anchored, for the purpose of adjusting their compasses. The other vessels are filling their bunkers with coal and taking aboard meat from the supply

The baseball teams from the ships engaged in games to-day, which were watched by many residents of the town.

The liberty men have behaved with the greatest circumspection ashore and not a single disturbance has been reported. The only places displaying the American

dag ashore in honor of the visit of the fleet are the offices of merchants, principally if not entirely those engaged in trade with the United States. According to the schedule the fleet

remain here until Sunday, when it will ake its departure for the second port of call, Rio de Janeiro,

# TORPEDO BOAT MANŒUVRES.

#### Reported That Big Flotilla Will Operate Along Atlantic Coast This Summer.

NEWPORT, Dec. 26 .- According to a re port heard in Newport to-day a formidable torpedo boat flotilla is to be formed next spring to manœuvre along the Atlantic oast in the early summer. This flotilla and the manœuvres will be in charge of Commander Charles C. Marsh, at present a member of the Naval Board of Inspection and Survey.

It is said the boats will be stationed along the coast at all convenient seaport towns so as to see how long it would take them to run to one centre in case of trouble

The submarines are to be a part of the flotilla and will play an important part in the manœuvres. Narragansett Bay, it is said, is to be the centre for the fleet during the battle manœuvres.

# PETTIBONE'S MOTION DENIED.

Judge Wood Holds That Jury Should Pas on Corroborative Evidence. Boise, Idaho, Dec. 26.-Judge Wood

acquittal be advised by the Court filed by

the defence in the Pettibone trial. In considering the motion to advise ac quittal for want of sufficient corroborative evidence Judge Wood reviewed the independent testimony on each of the crimes confessed by Orchard and said that in his opinion there was sufficient corroboration of each of them to require the submission

thereof to the jury. Judge Wood said: "I think the facts already in evidence tend to show conspiracy as contended for by the prosecution and I think that the independent testimony sufficiently tends to connect the defendant Pettibone therewith to require the submission thereof to the

Judge Wood said there was no independent testimony connecting the defendant with the killing of Steunenberg except that which tended to show his connection with the conspiracy, but this he considered was sufficient to justify submitting the case

# TO INDUCE SUBWAY BUILDING.

Gov. Hughes Advised That 20 Year Period of Ownership Must Be Lengthened. Chairman Willcox of the Public Service commission and A. B. Blackmar, the com-

nission's counsel, will go to Albany to-day to confer with Gov. Hughes in regard to changes in the Elsoerg law which the Governor is going to suggest in his message to the Legislature. This subject was discussed by Gov.

Hughes with several members of the commission at the dinner which he gave to them in Albany recently One of the changes that has been suggested is the lengthening of the period for which any private corporation may retain possession of a subway. This is fixed at twenty years in the Elsberg law, and Gov. Hughes, it is understood, has been advised that this period will have to be lengthened if private capital is to be induced to bid for any future subway enterprises.

# SUES ABNER M'KINLEY'S HEIRS.

Nephew Alleges That He Assigned Interes in William Mckinley's Estate for \$10,000. Canton, Ohio, Dec. 26,-William M. Duncan of Cleveland, a nephew of the late President McKinley, to-day filed suit in common Pleas Court for \$10,000 against R. F. Shields, administrator of Abner McKinley's estate, and against the widow and daughter of Abner McKinley. Duncan alleges that Abner McKinley borrowed \$10,000 from Helen McKinley in return for an assignment of his interest in President McKinley's estate and that Helen assigned the claim to Duncan. He says Abner McKinley refused to recognize the claim in his lifetime.

San Francisco, Cal., Dec. 26 .- The great four masted American ship Shenandoah from Melbourne, is aground a few hundred yards north of the entrance to the Golden Gate. The vessel lies off what is known as the Potato Patch, which is especially rocky and dangerous. She is surrounded by tugs. No report has yet been received as to the chances of saving her. The Spenandosh received

WITH A BOSTON CONSTABLE ON THE STAGE AT HIS HEELS.

era Audience Treated to Spectacle of a Man in Brown Derby and Overcoat in "Il Trovatore"-Arrest Made in Hammerstein's Suit Over Alleged Contract.

Boston, Dec. 26.-Carlo Albani, a member of the San Carlo Opera Company, was arrested twice to-day at the instigation of Oscar Hammerstein of New York.

The second arrest was made to-night

during the performance of "Il Trovatore" at the Majestic Theatre, and the audience enjoyed the spectacle of a big constable in a brown derby hat and a long overcoat following the terror about the stage while he sang the part of Manrico, L. G. Grossman was the constable who

thus made his début in grand opera. He had a process calling for the arrest of Albani in order to secure the tenor's salary, to which Hammerstein laid claim by virtue of his alleged contract. Grossman wanted to haul Albani out of the theatre, but Director Russell induced

him to allow the singer to continue through the performance, the agreement being that the constable should remain on the stage within grabbing distance of his prisoner, Mr. Russell appeared behind the footlights and apologized to the audience for the ridiculous situation, saying:

"I will not attempt to deal with the motive which urged this arrest, but you can form your own conclusions as to the feeling in New York about the season which we have pened here.

"The only indulgence I ask of you is that you will permit the officer to be present on the stage, as it appears that the law in this great State requires that the officer be near nis prisoner all the time.

"I shall have one satisfaction and that is of letting Mr. Hammerstein know that he has not succeeded in interrupting our performance."

The constable was fearful lest Albani jump the footlights and escape, so he said, and he followed the tenor every minute during his performance.

Every time Grossman strolled across the stage at the heels of his man the audience issed him vigorously, but this did not faze the officer of the law.

During the anvil chorus the sparks rather interfered with the constable's vision and when the gypsy mother revealed the identity of Manrico and Albani made a jump toward the opposite side of the stage Grossman gave chase to the apparently fleeing gypsy and nearly upset the tripod and

Albani's first arrest came this morning. It was the result of action taken by Hammerstein, who employed Albani when he first came to this country and who was astrumental in getting him to cross the Atlantic, Mr. Hammerstein claims that Albani is under contract to sing in shis country only under Hammerstein's direction and that the contract has been broken.

Mr. Hammerstein alleges that by the terms of the contract he is entitled to what ever Albani makes while singing in the United States and also to the passage to-day denied the motion that a verdict of money he paid to get Albani to America Henry Russell, manager of the San Carlo company, this morning went on Albani's bond for \$2,000, which guarantees his appearance at any time, provided judgment is given to the complainant. Another bond was given after to-night's performance and

> Albani was again released. At Mr. Russell's office it was said that Albani's contract with Hammerstein was annulled before he began to sing with the San Carlo company. It was also said that Mr. Hammerstein maintained that the contract held if Albani did not leave the country, being void only in case he did so. Mr. Russell will apply for a writ of habeas corpus if necessary.

Oscar Hammerstein said last night that he had a five year contract with Albani, beginning this season. Albani sang once or twice and then fell ill. His health didn't improve, and finally he told the impresario that he wouldn't be better until he got back

to Italy. "Albani wrote me that if I would release him and permit him to go home he would return if his health improved and at all events would not sing under any other management in this country," said Mr. Hamnerstein. "I consented, and a few days later he came to me with a story that he had been robbed and had been obliged to pawn his watch. He wanted me to advance money enough to buy his tickets to Italy, and I again agreed. The next I heard of him he was singing with the San Carlo

company in Boston. Mr. Hammerstein said that suit for \$25,000 for breach of contract would be instituted.

## WOMAN SAVES SICK HUSBAND. Carries Him Down Stairs Out of Their Burning Home in Bath Beach.

Mrs. Elizabeth Olincy, who is 55 years old and not strong, went back to her home at 8739 Bay Twenty-first street, Bath Beach about 8 o'clock last night to find when she opened the front door of her house that the place was full of smoke and a hot fire was burning in the rear. Her husband, Noah, who has long been bedridden, was in his room upstairs. He had called, but neighbors had not heard him.

Mrs. Olincy rushed through the smoke up to her husband's room and dragged him from his bed. It was a long, long way downstairs through the smoke, but the woman carried her husband all of the way out to the lawn. Then she fainted. The fire was put out before the home

## was destroyed. HARRY KLONDIKE SHOT. Polynomial Pickpocket Casually Wounded

A man who was picked up at Pell street and the Bowery yesterday afternoon with a bullet wound in his chest and was sent to the Hudson Street Hospital gave his name as Harry Klondike. The name inname as Harry Riondike. The name interested the Detective Bureau and Lieut.
Summers went down to investigate. Summers recognized the man as Johnny Rice,
alias Little Johnny, alias Klondike, a well
known pickpocket.
Rice said that when he was passing a
building near Chatham street and East
Broadway he felt a shot strike him in the
chest. He had no idea who fired it, he said.
He will recover.

## THE CZARINA VERY ILL. All Functions at St. Petersburg Court

Have Been Cancelled. Special Cable Despatch to THE SUN. BERLIN, Dec. 26 .- A despatch to the Tageblatt from St. Petersburg says that the Czarina's illness is causing anxiety at the court, where all functions have been cancelled. The Caar is greatly alarmed

by his wife a depression and her general

had health.

He has repeatedly urged her to go abroad but she refuses to leave him and their children.

## \$4,000 FOR A POSTAGE STAMP. "Postmaster's Provisional," Issued in

1844, Goes to George Worthington. Boston, Dec. 28 .- Although he offered \$3,000 for a postage stamp J. M. Bartels of this city did not get the only known copy of a "postmaster's provisional," issued at Alexandria, Va., in 1817, printed on blue paper. The stamp has gone into the col-lection of George H. Worthington of Cleveland, Ohio, at a price which is said to be

not far from \$4,000. This stamp, which is one of the highes priced ever sold in this country, is the only copy known on blue paper, although fou copies of the same stamp on buff paper we been discovered. It was found on an old letter in the possession of Mrs. M. Faw. cett of Alexandria and had been proserve on account of its historic ass Mrs. Fawcett showed the stamp to a local collector, who told her that it was of great value, and she sent it to Mr. Bartels of this city, who had formerly lived in Alexandria and knew the family. He at once offered her \$3,000 for it, but she did not accept the offer and the stamp was sold through a Philadelphia dealer to Mr. Worthington

#### ITALY'S NEW PROBLEM. Puzzied by Droves of Returning Immi-8 ants, Many Destitute.

Special Cable Despatch to TRE SUN Rome, Dec. 26 .- Ten thousand Italian returning from America arrived at Naples to-day. Ten thousand more are expected within a month. The resultant congestion is creating a problem for the authorities, as the emigrants insist upon remaining in the city and seeking employment there

instead of going to their native villages. Many are destitute, and it is likely that the Government will soon be forced to provide free food and lodging for them.

### HUGHES AT A WOMEN'S DINNER. The Governor to Be the Guest of West End Republicans on January 17.

At a meeting of the West End Woman's Republican Association, which was held yesterday afternoon at the Hotel Astor. the president, Mrs. William Grant Brown, announced that Gov Hughes had promised to speak at the dinner to be given by the club in the ballroom of the hotel on January

This is the first time that any organiza tion of Republican women has dined officially in this city and no effort is being spared

to make the occasion a memorable "I hope that the change from the 27th. the date originally set, will not inconvenience you." Mrs. Brown said to the members. The Governor wrote that it would be impossible for him to be present on the 27th, but that he had nothing on for the 17th, and I informed him at once that we would be delighted to have him on whatever evening he could give us. You will all sup

me in this action, won't you?" The assent was unanimous

#### thusiastic. ROOSEVELT'S PRESENT TO A BOY. ends Letter and \$10 Bill to Lad Who

Made Him a Calendar. WORCESTER, Mass., Dec. 26.—Jacob Kreisfeld, a ten-year-old bundle boy in a corset factory, on Thanksgiving sent President Roosevelt a hand painted calendar, with an American eagle done in red, white and blue. The President's name was worked in the

ecroll held in the eagle's beak. To-day the boy received a new \$10 bill and a letter in the President's handwriting expressing thanks for the gift. Kreisfeld is one of a family of thirteen children.

## AOKI SAILS ON JANUARY 7. Japanese Ambassador Will Leave Was

ton for San Prancisco on Monday. WASHINGTON, Dec. 26.—Viscount Aoki, the Japanese Ambassador, will sail from San Francisco for Japan on January 7 on the steamer Manchuria. He will be accompanied by Viscountess Aoki and they will leave Washington next Monday. Ambassador Aoki will probably not return to the United States. Although he has not been formally recalled it is probable that will be succeeded as Ambassador to the United States by Kogoro Takahira, the present Ambassador to Italy and former Minister to the United States. Mr. Takahira was one of the Japanese delegates to the Portsmouth peace conference, held in this country in the summer of 1905, when the treaty of peace which settled the Russo-Japanese war was preprinted.

## ees war was negotiated. BRYAN A GOOD DUCK HUNTER. Gets Law's Limit of Birds in Three Hours

-Bear Hunt To-day. WALLISVILLE, Tex., Dec. 26.-Col. W. J. Bryan and Gov. Campbell spent to-day shooting ducks. It is said that Mr. Bryan killed his limit

of twenty-five ducks, allowed in one day under the law, in less than three hours this morning.
A bear hunt has been planned for to

#### Kills His Boy for a Burglar San José, Cal., Dec. 26.-Bertram Somers early to-day shot and killed his five-year-

old boy, having mistaken him for a burglar. The child, it is believed, was walking in his sleep. The parents were awakened by a noise in the room, and seeing the out-line of a figure near the window Somerst fired, killing the child instantly. Woman Bomb Thrower Hanged Was

#### Princess. Special Cable Despatch to THE SUN. ST PETERSBURG, Dec. 28.-Newspapers report that the woman who was hanged

at Moscow a few days ago for throwing a bomb at Gov. Herschelman on December 14 was Princess Meschtsherski, wife of jan impoverished scion of an ancient noble house, whom she deserted because the marriage was unhappy An Ophelia for Eddle Foy's Ha

May Irwin sent this telegram yesterday to Eddie Foy, who threatens to play Hamlet.
If you have not engaged your Ophelia.
don't do anything until you hear from

After all USHER's the So

# TRAIN KILLS E. G. STEDMAN

LAWYER AND TREASURER OF BANKRUPT LYONS CO.

Pell or Jumped From Subway Platform -Had Lost Meavily, Says One Friend, and Blamed Himself for Others' Losses -Cousin of the Banker-Poet Stedman.

The northbound local subway train pulling into the Fourteenth street station at a few minutes after 9 o'clock vesterday morning came to a sudden stop under the clamp of the airbrakes hastily applied. When special policemen on the platform and trainmen walked back along the length of the train they discovered under the sixth car the body of Ernest Gordon Stednian, the lawyer who was also treasurer. vice-president and a heavy stockholder in the J. C. Lyons Building and Operating Company, which went into involuntary bankruptcy on December 20.

Members of Mr. Stedman's family were sure yesterday that he had not committed suicide. He had been suffering from vertigo lately, they said, and must have fallen under the train. They did not think that he had suffered heavily from the failure.

E. Ritzema De Grove, a close friend of Mr. Stedman and one of the receivers of the Lyons company, said, however, that Mr. Stedman had told him last Friday night, the day the company went into bankruptcy, that the losses of others who had invested their funds in the real estate company devolved upon him because it had been upon his strong urging that those investments had been made.

"I believe that my friend took his life," said Mr. De Grove yesterday, "because he believed that the failure of his firm had ruined him, and besides his high sense of honor impelled him to shoulder responsi bility for the losses of his friends. cannot understand the manner of his death Of all men in the world Stedman was the last to seek a theatrical display of any

Mr. Stedman's personal interest in the real estate firm had amounted to \$500,000 That in itself, Mr. De Grove explained, would not have been sufficient to impair the dead man's fortunes beyond restitution. but he had indorsed bank paper to the sum of \$400,900 besides. His most valuable private holding, property at 15 West Thirtyfourth street, had been leased on a \$100,000 basis, but the value of the property was

almost covered by mortgages.

The lawyer's death came suddenly and efore the eyes of a large crowd. The platform for northbound trains and the entral island for express passengers carried a shifting, burrying throng. one noticed the gray haired man who had walked down near the end of the easterly platform almost to the point where it dovetails into the running wall of the tube. The local train came out of the shadow from the south with a rush.

Charles Ruoff of 501 West 145th atreet was the motorman in the box. He told the police afterward that just as his train turned the sharp curve into the platform space he saw a man about twenty feet ahead throw his hands up over his and dive onto the tracks. Ruoff threw on the air at the same minute that he switched off the current; then as the train ground along over the rails he grew faint and sick Guards had to help him out of the box when

his train came to a standstill. Abraham Cohen, one of the new spe police squad at the Fourteenth street station, and two trainmen made a search for the body of the man the train had run over. Under the next car to the end they found it. The features were unrecognizable, but in the pocket of the coat they discovered a card case filled with Mr. Stedman's car and a cigarette case bearing his initials While the body was being removed to the Fifth street station a telephone call was sent to Mr. Stedman's office at 128 Broadway, and W. A. Mayou, a clerk in the office,

went to the station and identified the body Edmund Clarence Stedman, the post and a cousin of Mr. Stedman, and Dr. Malcolm Leal of 171 West Seventy-third street were notified of the tragedy. They went immediately to the Stedman home at 1018 Madison avenue and broke the news to Mrs. Stedman. She became hysterical and had to be under the physician's care for the rest of the day.

E. C. Stedman gave out the following statement later in the afternoon: "Mr. Stedman spent the day yesterday at home seemingly cheerful. A few personal friends were with him at dinner last night, and in no way did my cousin show that he was in the least distraught. He left the house early this morning to go to business. Mr. Stedman has always been an early riser, and it has been his custom to

take breakfast shortly after 7 o'clock and leave for downtown immediately after. "We are all certain that his death was due to an accident. There has been nothing in Mr. Stedman's business affairs which could prompt suicide. He has always been a most practical, une notional so of man-the last man in the world to think

of taking his life and in such a manner." Dr. Leal, who has been the family physi cian for some time, supplemented Mr Stedman's statement by saying that recently the dead man had suffered from grip and that when he recovered he was subject to slight attacks of vertigo. Dr. Leal thought that he must have been overcome by one of these attacks while he stood on the subway platform and that he fell before the

Mr. Stedman's connection with the pany came through his relations as attorney for J. C. Lyons for the last thirty years When the realty company was organic on April 22. 1902, with a capital stock of \$500,000 Mr. Stedman became its vicepresident and treasurer and one of the heaviest investors. When the recent panis came the company owned several large holdings along lower Fifth avenue and some uptown residences and apartment houses. The H. H. Cook property, comprising a large part of the block between sighthand Seventy-ninth streets, was in the hands of the Lyons company and the con-cern had an important leasehold on the old Engineers Club site on Fifth avenue

near Thirty-fifth street. It was said yesterday by men acquainted with the business of the firm that after the organization of the realty company Mr. Lyons, whose operations in the build-ing business had covered a period of twentyfive years, gave over the active m